IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 587 OF 2005

Abdul Quadir Ansari ... Petitioner

Vs.

The State of Maharashtra ... Respondents

Mr. L.K. Tripathi for Petitioner.

Mr. P.M. Palashikar, A.G.P. for Respondents.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 06TH JULY, 2006

P.C.:

. The case of the Petitioner is that the order dated 23.2.2001 in as much as it has denied salary for the period 5.11.1997 to 10.8.1999 is without the authority of law and consequently ought to be set aside. The Petitioner had moved the tribunal being O.A. No. 231 of 2002. By the judgment dated 16.8.2002 the tribunal held that the order of 4.11.1997 strictly was not an order of revocation, but to be considered as temporary revocation or stop gap revocation. The tribunal did not agree with the contentions of the Petitioner that the order of revocation was issued only on 10.6.1998.

. The Petitioner did receive the memo dated 4.11.1997. We could have appreciated if the Petitioner had made attempts to join the services

and was not allowed to resume. That was not the Petitioner's conduct. On the contrary the Petitioner proceeded on the footing that though he was called upon to resume duty, there was no question of he resuming duties in the absence of formal order of revocation. The order of 4.11.1997 was clear. Though it may not be formal order of revocation, none the less it is an indication that the suspension was no longer in existence and that he Petitioner could resume duties.

. We are therefore, inclined not to interfere with the decision of the tribunal. It cannot be said that the said order suffers from any error apparent on the face of the record. Hence, no interference is called for. Petition rejected.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**